

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

RAKESH ROSHAN

Case No.

3 19 70714

MAY -9 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/26/19 to 02/10/2019 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:

Code Section

21 U.S.C. § 841(a)(1), (b)(1)(B)
21 U.S.C. § 846

Offense Description

Possession with intent to distribute controlled substance
Conspiracy to possess with intent to distribute controlled substance

This criminal complaint is based on these facts:

Please see attached affidavit of HSI Special Agent Ricardo Haro.

☒ Continued on the attached sheet.

Approved as to form

AUSA

Lina Peng

Complainant's signature

HSI SA Ricardo Haro

Printed name and title

Sworn to before me and signed in my presence.

Date:

5-9-19

Judge's signature

City and state:

San Francisco CA

Printed name and title

**AFFIDAVIT IN SUPPORT OF RICARDO HARO IN SUPPORT OF CRIMINAL
COMPLAINT AND ARREST WARRANT**

I, Ricardo Haro, Special Agent with the Department of Homeland Security do swear and affirm as follows:

I. INTRODUCTION AND PURPOSE FOR AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against RAKESH ROSHAN for conspiracy to possess with intent to distribute a controlled substance, specifically, methamphetamine, in violation of 21 U.S.C. 841(a)(1) and 21 U.S.C. § 846. The statements contained in this affidavit are based on my experience, knowledge and training as a Special Agent of the investigation into ROSHAN and the information provided to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that ROSHAN violated Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B) and 846.

II. AGENT BACKGROUND

2. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

3. I have been employed as a Special Agent for the Department of Homeland Security, Homeland Security Investigations (HSI), since 2015. As an HSI Special Agent, I am a customs officer within the meaning of Title 19, United States Code, Sections

1401(i), and 1589a. Pursuant to Title 19, United States Code, Sections 482 and 1582, and various federal regulations, I am thus empowered to border search items being imported into the United States from outside the United States.

4. I am currently assigned to the office of the Resident Agent in Charge, San Francisco International Airport (SFIA). I have successfully completed the Criminal Investigator Training Program and the Homeland Security Investigations Special Agent Training program at the Federal Law Enforcement Training Center (FLETC) in Brunswick, Georgia. During my training at FLETC, I received instruction in varied topics, including federal criminal statutes, rules of criminal procedure and evidence, and investigative techniques.

5. Prior to this position, I was employed as a U.S. Immigration and Customs Enforcement (ICE) Immigration Enforcement Agent, assigned to San Francisco Field Office for five years. As part of my training as an ICE agent, I received instruction in preventing the illegal trafficking of people, narcotics, and contraband into the United States. I received instruction in different techniques and concealment methods that are used to smuggle persons, prohibited goods, illegal drugs, and other contraband into the United States.

6. I have participated in local and federal search warrants and arrests involving narcotics trafficking. I am responsible for enforcing federal criminal statutes, including violations of Title 18 and Title 21 of the United States Code. I have participated in narcotics investigations involving the seizure of, among other things, MDMA, methamphetamine, cocaine, narcotic analogues, firearms, and currency.

7. I have had discussions with other law enforcement officers and agents about the production and packaging of illegal narcotics, the methods used to sell narcotics, and security measures utilized by individuals involved in the distribution of illegal narcotics. I have examined customer and supplier lists commonly referred to as "pay/owe" sheets, and other documentation and indicia associated with the distribution of illegal narcotics. I have become familiar with the methods used by drug traffickers to import, transport, and distribute drugs, and the methods used by drug traffickers to communicate with each other in furtherance of their illegal activities.

III. APPLICABLE LAW

8. Under Title 21, United States Code, Section 841(a)(1), except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance, to wit: methamphetamine, a Schedule I substance.

9. Under Title 21, United States Code, Section 846, any person who conspires to commit any offense defined in this subchapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the conspiracy.

IV. FACTS ESTABLISHING PROBABLE CAUSE

10. I am familiar with the facts set forth in this Affidavit from my personal inquiries and investigations by other law enforcement officers and/or analysts as related to me in conversation and/or through written reports, and/or from records and/or documents and/or other evidence obtained as a result of this and related investigations. I

have also obtained such information from records, documents, and other evidence obtained as a result of this investigation. Unless otherwise indicated herein, I believe the information provided to me by others to be reliable. In those instances wherein I assert an opinion or belief with respect to the facts alleged herein, that opinion or belief is based upon my training and experience as set forth previously herein, along with my knowledge of this investigation and any other specific factors I submit in connection with a particular assertion.

11. I have only set forth those facts that I believe are essential to establish probable cause. The facts and opinions set forth herein are not meant to include all of the information gathered with regard to the subject identified herein or the investigation in general; rather, these facts are meant to provide information sufficient for the purpose of this affidavit.

Rakesh ROSHAN Flees Security Checkpoint at San Francisco Airport

12. On February 1, 2019, at approximately 10:50 pm, a passenger later identified as Rakesh ROSHAN (DOB: [REDACTED]) fled from a security check point at San Francisco International Airport (SFIA). When ROSHAN entered the body scanner at the security checkpoint, an anomaly was detected in his groin area, and ROSHAN was directed to a pat-down area. ROSHAN immediately turned around and ran away from the checkpoint in the direction of the parking garage, leaving his belongings behind. The Transportation Security Administration was able to identify ROSHAN based on the United States passport he presented as part of the screening process.

13. On February 6, 2019, ROSHAN boarded a flight from San Francisco to Australia.

February 10, 2019, Outbound Inspection of Jessica Pipitolu and Sati Santoshi Sen

14. On February 10, 2019, HSI Special Agents (SAs) made arrangements to intercept and inspect Jessica Pipitolu (DOB: [REDACTED]) and Sati SEN (DOB: [REDACTED]) on the jetway prior to their boarding United Airlines flight 863 to Sydney. Pipitolu had been identified and flagged for secondary security screening by law enforcement due to her previously reported relationship to ROSHAN. Pipitolu had co-traveler Sen listed on the same reservation traveling to Sydney. Both Pipitolu and Sen also had a reservation to travel on the same flight the night before (February 9, 2019), but neither boarded that flight.

15. Research in law enforcement databases revealed that Pipitolu had stated she was ROSHAN's girlfriend on a previous entry into the United States on January 21, 2019, when both ROSHAN and Pipitolu flew into SFIA from Auckland, New Zealand. Further research by revealed that Pipitolu had exhibited suspicious travel patterns, having spent only two days in the United States following her arrival on January 21, 2019, with ROSHAN, before returning to New Zealand. Pipitolu had also just arrived into the United States accompanied by Sen on February 7, 2019, only three days prior to her outbound flight scheduled on February 10, 2019, to Sydney.

16. On February 10, 2019, at approximately 10:50 p.m., United States Customs and Border Protection (CBP) Officers conducted outbound inspections on the jetway of United Airlines flight #86 of Pipitolu and Sen. An eventual body search of Pipitolu revealed an anomaly near her groin area, which Pipitolu stated was drugs. A small plastic bag containing a crystal-like substance was also found inside Pipitolu's neck pillow. Pipitolu eventually removed plastic-wrapped suspected narcotics from her

vagina. The substances recovered from Pipitolu's person and her neck pillow tested presumptively positive for methamphetamines, with a total weight of approximately 148 grams. Both seizures of methamphetamine were subsequently tested positive for d-Methamphetamine Hydrochloride, a Schedule II controlled substance, with a substance purity level of 100 percent (+/- 4 percent).

17. Based on information learned during the investigation, on or about February 10, 2019, ROSHAN directed Sen and Pipitolu to smuggle methamphetamine to Australia through SFIA, including to retrieve the drugs from the center console of a lime green Toyota Camry registered to ROSHAN.

Search of Vehicle Registered to ROSHAN

18. Law enforcement located the lime green Toyota Camry in the San Francisco Airport parking lot on or about February 11, 2019, and executed a search warrant. The vehicle was registered to Rakesh ROSHAN.

19. Among other items found in the Toyota Camry were three invoices for parcels that were shipped on January 27, 2019. All three invoices showed the parcels had been shipped on January 27, 2019, out of Rocklin, CA. The particulars of each parcel are as follows:

A) Tracking CJ 558 133 450 US – Shipped to recipient in New Zealand.

Customs declaration: Harmonium. Intercepted by CBP in San Francisco, CA on January 30, 2019, containing a white crystal substance, which tested presumptively positive for approximately 1,780 gram of methamphetamine hydrochloride. ("Parcel 1").

B) Tracking EP 849 871 115 US – Shipped to recipient in Australia.

Customs declaration: Flatscreen TV. Intercepted by CBP on January 30, 2019, in San Francisco CA, containing a white crystal substance, which tested presumptively positive for approximately 509 grams of methamphetamine. ("Parcel 2").

C) Tracking EP 849 871 132 US – Shipped to recipient in Fiji. Customs declaration: T-shirts, purse, powered tang, powered oatmeal. Intercepted by Fijian law enforcement, and which tested presumptively positive for 500 grams of methamphetamine. ("Parcel 3").

20. On January 26, 2019, closed circuit television (CCTV) footage from a postal facility, located in Sacramento, CA, shows an individual resembling ROSHAN entering the store carrying parcels at approximately 4:36 p.m. and receipts show that the transactions were completed for Parcels 1, 2, and 3 and were all shipped from the same store.

21. Also found in the vehicle, were multiple portable electronic weight scales, plastic wrapping, a hammer, a "burner" phone, and a plastic-wrapped, cylinder-shaped bundle of a green leafy-substance; packaged in a similar fashion to the methamphetamine Pipitolu concealed in her.

22. Investigation revealed that an IP address utilized to track Parcel 1 and Parcel 3, was registered to Rakesh ROSHAN.

23. Investigation revealed that an IP address utilized to track Parcel 3 was registered to Rock ROSHAN, whom I believe refers to Rakesh ROSHAN.

Search Warrant Executed on ROSHAN's Facebook Account

24. On March 16, 2019, a federal search warrant was executed on ROSHAN's Facebook account. In his Facebook account, ROSHAN had hundreds of messages with multiple people, referencing cocaine, methamphetamine, "dope," payments for previous drug sales, upcoming shipments, and prices for different amounts of drugs. I observed several pictures of green leafy substances, crystal-like substances, and white powdery substances, which based on my training and experience, I believe to be marijuana, methamphetamine, and cocaine. I also observed several pictures of stacks of American and foreign currency, which based on the contexts of the conversations involving those pictures, I believe to be proceeds of drug sales. This Facebook account also had multiple pictures of wire transfer receipts, as well as screenshots of hotel reservations and flight schedules.

25. On February 6, 2019, in a Facebook messenger conversation between ROSHAN and an individual identified on Facebook as "Christine KUMAR," KUMAR states to ROSHAN "Same status, not changing," to which ROSHAN replies: "sent (sic) me the numbers." KUMAR then sends ROSHAN a picture of two tracking numbers queried in the United States Postal Service online tracking system matching Parcels 1 and 2 described above.

26. Additional Facebook messages between KUMAR and ROSHAN I believe were also regarding these packages read as follows:

KUMAR: "so this shipment u giving up o wat, coz one is released, only second one left to b released from customs."

ROSHAN: "Customs busted that one."

KUMAR: "what a bad month for us man."

27. Facebook messages between ROSHAN and KUMAR on February 10, 2019 read as follows:

KUMAR: "Status not changed. Same. Just reached Fiji." (As stated in paragraph 19, Parcel 3, destined for Fiji, was intercepted by Fijian law enforcement and tested positive for methamphetamine)

ROSHAN: "Did the NZ one"

KUMAR: "No. Same status."

The following day, KUMAR messages ROSHAN stating: "Fiji is fucked man... lost."

V. CONCLUSION

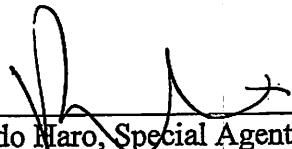
28. Based on the aforementioned facts and information, there is probable cause is probable cause to believe that on or about January 26, 2019, and continuing to on or about February 10, 2019, ROSHAN conspired with at least one other person, to possess with intent to distribute a controlled substance (methamphetamine), and the weight of the methamphetamine exceeded 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, in violation of Title 21, United States Code Sections 841(a), 841(b)(1)(B), and 846.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.



Ricardo Maro, Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Subscribed and sworn before me on:

5-9-19

Date



HON. SALLIE KIM
U.S. MAGISTRATE JUDGE